

REMARKS

Claims 2-8, 11 and 12 are pending in the present application. The claims stand rejected under 35 USC § 112.

Claims 2 – 4, and 11-12 have been amended to more clearly define applicants' invention.

The paragraph numbers below correspond to those in the present action

No new matter has been added.

Withdrawal of Rejections

3. Applicants thank the examiner for the withdrawal of the previous rejection of claims 2-8, 11 and 12 under 35 USC § 112 1st.

Claim Rejections – 35 USC § 112, 2d paragraph

4-5. Claims 2-8, 11 and 12 are rejected under 35 USC § 112 2d paragraph for indefiniteness. The examiner finds the use of the term “increasing” in the preamble of the claim indefinite. The examiner suggests that amending the claim to recite that the transformed host cell has increased resistance to aromatic carboxylic acids compared with an unmodified host cell may be persuasive. The claim has been amended in accordance with the examiner's guidance.

Claim Rejections – 35 USC § 112, 1st paragraph

6-7. Claims 2-8, 11 and 12 remain rejected under 35 USC § 12, 1st paragraph for failing to comply with the written description requirement. The examiner finds that gene elements are not particularly described, such as promoters and regulatory elements, which are essential to the function of the claimed invention. In particular, the recitation of the *yhcQ* “gene” and the *yhcP* “gene” implicate promoters and regulatory elements that are not adequately described. Applicants traverse.

The claims have been amended to recite the presence of a ‘polynucleotide’ having the sequence as set forth in SEQ ID NO:1, and 2 as opposed to the *yhcQ* “gene” and the *yhcP* “gene”. In view of this amendment applicants submit that the claims comply with 35 USC § 112 1st paragraph.

Should there be any fee due in connection with the filing of this Amendment please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

/S. NEIL FELTHAM/
S. NEIL FELTHAM
ATTORNEY FOR APPLICANTS
Registration No.: 36,506
Telephone: (302) 992-6460
Facsimile: (302) 992-5374

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